

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

**Applications of Alaska Airlines, Inc., America West Airlines, Inc.,
Frontier Airlines, Inc., United Air Lines, Inc.
AirTran Airways Inc., Comair, Inc., Midwest Airlines, Inc.,
Spirit Airlines, Inc., and US Airways, Inc.,
For Exemptions from 14 CFR Part 93, Subparts K and S,
Pursuant to 49 U.S.C. § 41718(a) and § 41718(b)
Docket OST-2000-7181
Docket OST-2000-7182**

NOTICE

On April 1, 2004, the Department issued Orders 2004-4-1 and 2004-4-2, which granted a total of 22 slot exemptions at Ronald Reagan Washington National Airport (DCA) to the above listed air carriers as mandated by the Vision 100--Century of Aviation Reauthorization Act, P.L. 108-176 (Vision 100) and the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21). The Department also directed that no later than seven business days from the service date of the two orders, or not later than April 12, 2004, these air carriers should file proposed flight schedules and the effective date for operations authorized by the orders in the appropriate docket. The Department also noted that the Federal Aviation Administration (FAA) would assign slot exemption numbers, effective dates, and operating times consistent with statutory limitations,¹ but that the Department would make the final determination of slot time assignments. The affected air carriers have now filed their proposed flight schedules, and in several instances we have noted scheduling conflicts where several carriers have requested slot exemptions for the same one-hour period. As the Department stated in its Notice dated December 22, 2003, since 49 U.S.C. § 41718(c)(2), as amended by Vision 100, does not allow us to assign more than a total of three slot exemption per one-hour period, and two exemptions have been awarded already for most one-hour periods, we are unable to accommodate all of the carrier slot exemption time requests.

By this notice we are assigning slot times awarded by Orders 2004-4-1 and 2004-4-2, as summarized in the attachment. In making these determinations, we were required to balance the number of limited operations with the carriers' operational needs, while fully complying with the statutory requirements of Vision 100. The attachment to this notice indicates only the hourly period during which the slot

¹ Among other things, 49 U.S.C. § 41718(c)(2) prohibits the Department from adding any new DCA slot exemptions between the hours of 10:00 p.m. and 7:00 a.m. In addition the Department may not increase the number of DCA operations in any one-hour period by more than three additional operations between the hours of 7:00 a.m. and 10:00 p.m.

exemption must be operated, not the exact times. Additional consultation on exact times, frequency, and effective dates will be required between the air carriers and the FAA's Slot Administration Office prior to initiating service.

We acknowledge that carriers may wish to propose additional changes that may be necessary to for them to optimize and rationalize the slot exemption times shown in the attachment. Carriers may request the FAA Slot Administration Office to approve exchanges of the assigned slot exemption times with other slots or slot exemptions for the purpose of conducting operations authorized by Orders 2004-4-1 and 2004-4-2 in a different hour. In acting on such requests, the FAA will employ standard practices in conjunction with applicable statutory and regulatory requirements for the utilization of slot times between and among individual air carriers.²

Finally, as stated in Orders 2004-4-1 and 2004-4-2, air carriers must inaugurate the services granted within 90 days of the issuance of this notice assigning the slot times.³ Regardless of subsequent slot time exchanges, the slot times assigned by this notice or assigned by the FAA's Slot Administration Office pursuant to this notice will be tagged. Furthermore, if any of the service granted by Orders 2004-4-1 and 2004-4-2 is suspended, or is not inaugurated in a timely manner, the Department will withdraw the slot exemptions based on their tagged slot time, rather than by any subsequent slot time operated.

² See, e.g., the restrictions at 49 U.S.C. 41714(j) on sale, lease, or transfer of exemptions.

³ Orders 2004-4-1 and 2004-4-2 specified that if carriers failed to inaugurate service within 90 days of being given their exact slot times by the Department, the slot exemptions would be reallocated.

We shall serve a copy of this notice on Alaska Airlines, America West Airlines, Inc., Frontier Airlines, Inc., United Air Lines, Inc., AirTran Airways, Inc., Comair, Inc., Midwest Airlines, Inc., Spirit Airlines, Inc., US Airways, Inc, the Federal Aviation Administration's Slot Administration office, and the Metropolitan Washington Airports Authority.

By:

KARAN K. BHATIA
Assistant Secretary for Aviation
and International Affairs

Dated: May 3, 2004

(SEAL)

*An electronic version of this document will be available on the World Wide Web at:
<http://dms.dot.gov/>*

DCA SLOT TIMES ASSIGNED PURSUANT TO DEPARTMENT ORDERS 2004-4-1 AND 2004-4-2

	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	
Times Avail/Hour:	2	1	1	2	3	2	3	1	1	1	1	1	1	2	1	23
<u>Outside-Perimeter</u>																
Alaska		0800								1600	1700			2000		
America West	0700												1900			
Frontier Airlines			0900				1300	1400							2100	
United					1100									2000		
<u>Inside-Perimeter</u>																
AirTran									1500			1800				
Comair				1000		1200										
Midwest							1300 (2)									
Spirit Airlines				1000	1100											
US Airways	0700					1200										

